

E-Mail Request for Emergency Relief

1. Case Number: 05-cv-768-SLR

2. Check the box that applies:

- ☒ Requesting a teleconference with the parties and the court
☐ Requesting an in-person conference with the parties and the court
☐ Requesting either of the above listed options at the court's determination

3. BRIEFLY describe the reason for this **emergency** request:

Defendant Conor has today filed a motion to extend several upcoming discovery deadlines by about three weeks. The current fact discovery cut-off is February 14, 2007. With two and one-half weeks until then, the parties have taken only a single day of one deposition. There are 23 deposition notices currently outstanding. It is simply not reasonable to expect that the parties can complete the outstanding depositions in the time remaining in the current fact discovery period. Conor respectfully requests that the Court extend the discovery deadlines as set forth in Conor's motion.

In addition, the parties have not agreed on a Protective Order for confidential information, which is also hampering Conor's ability to prepare for the depositions.

*Any text added beyond the limits of this space will be disregarded by the court.

4. Name of opposing counsel contacted about this request: Peter Armenio

5. Response of opposing counsel to this request:

Plaintiffs would not agree to the extension requested.

6. Name of local counsel making this request: Jack B. Blumenfeld

7. Today's Date: January 26, 2007

For court use only:

☒ A teleconference will be held on February 5th at 10:00 a.m. to be coordinated and initiated by Defendant's counsel.

☐ An in-person discovery conference will be held on:

☒ Other: The Judge doesn't want briefing on a motion regarding scheduling matters.

Opposing Counsel's Response to E-Mail Request for Emergency Relief

1. Case Number: -SLR

2. BRIEFLY state your response to the **emergency** request made by opposing counsel:

BSC opposes the motion to amend the Scheduling Order and will file its answering brief by February 2. As we will explain therein, Conor has only 68 fact deposition hours left and can use all of them by the February 14 deadline. No extension is needed. To avoid troubling the Court, BSC offered Conor an extra week to complete its 68 deposition hours, but Conor refused. Conor complains about the number of depositions it has noticed, but acted unreasonably in waiting so long to notice depositions and in noticing so many when it has only 68 hours left. Conor's other requested extensions would prejudice BSC and would compress the time the Court has to consider Markman and summary judgment papers prior to hearing argument. BSC respectfully requests that the Court decide this issue after considering BSC's answering brief. Finally, the protective order is almost finalized, and the parties have already agreed on one in-house lawyer per side for purposes of depositions.

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3. Name of local counsel submitting this response:

4. Today's Date:
